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C O N F I D E N T I A L SECTION 01 OF 02 NICOSIA 000136

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TAGS: [PGOV](#) [PREL](#) [CY](#)

SUBJECT: CYPRUS: TALAT CHARGES CHRISTOFIAS WITH DUMPING
ESTABLISHED UN PARAMETERS. FRETS OVER PROPERTY TALKS

REF: A. USEU-NICOSIA E-MAIL OF 2/13/09

[¶](#)B. NICOSIA-EUR/SE EMAIL OF 2/11

Classified By: Ambassador Frank C. Urbancic for reasons 1.4(b) and 1.4(d)

[¶](#)1. (C) Summary: "If Christofias abandons established UN parameters (regarding a Cyprus settlement), then everything will be up for grabs," Turkish Cypriot (T/C) Leader Mehmet Ali Talat complained on February 9. Talat, in a 35-minute meeting with the Ambassador, was referring to Christofias's purported backtracking on the "bizonality" of reunified Cyprus, at least regarding majority T/C property ownership in the envisioned T/C constituent state. The T/C leader also griped that Greek Cypriot (G/C) lawsuits before the European Court of Human Rights (ECHR) were hurting the present process and expressed concern over a possible negative ruling in the landmark Orams case. Finally, Talat voiced anxiety over a rumored high-level EU appointment to the UN Good Offices Mission, above and beyond the technical expert the Turkish Cypriots had already accepted. In response, the Ambassador said the U.S. had not heard this. He agreed to clarify the EU's position on an EU Special Envoy to participate in the negotiations. (Note: T/C Chief Negotiator Ozdil Nami confirmed to Ambassador on the margins of Senator Durbin's meeting with Talat February 16 that Talat had gotten it wrong.) End Summary

"Very disappointed with Christofias"

[¶](#)2. (C) Talat told the Ambassador he was very disappointed with Greek Cypriot leader Demetris Christofias as a result of their February 4 meeting, where the two had discussed property. Talat claimed that the G/C leader had rejected the established UN parameter of "bizonality," at least as it regarded the majority of property in a future Turkish Cypriot constituent state being owned by T/Cs. The very concept of bizonality meant T/C majority property ownership in its constituency, he insisted; the Annan Plan and past UNSC resolutions mandated it. (Note: Under Annan, no more than 10 percent of land area and residences would have been reinstated to co-nationals hailing from the other constituent state. Presently, however, the Greek Cypriots are demanding that all original property owners be able to decide the fate of their holdings without quotas.)

[¶](#)3. (C) Talat said that Christofias was picking and choosing what he liked from the UN "body of work" and UNSC resolutions, dismissing everything else. The G/C leader, he complained, dubs what displeases him "imperialist decisions" and/or "Anglo-American plots." If that were the case, Talat added, then he, too, could dump aspects of UN parameters that were dear to the G/Cs, such as the "single sovereignty" of the reunited state and the UN-preferred language of Cypriot

"communities" versus "peoples."

T/C Property Proposal: Return, Compensation, Exchange

¶4. (C) Talat explained that the T/C position on property was similar to that contained in the Annan Plan, with a "Property Board" taking decisions based on mutually agreed criteria; some combination of return of land, compensation, and exchange would result. Post-2004 property development had radically changed facts on the ground, however, and thus emphasis would have to be given to exchange and compensation over return. Talat also said that while Christofias hinted that he did not object to majority T/C population in the T/C constituent state, he seemed to condition this on favorable territorial adjustments for Greek Cypriots.

Outside Legal Cases Weighing on T/Cs

¶5. (C) Property was a political issue, the T/C leader contended, not a legal one -- regardless of Greek Cypriot efforts to seek recourse in national and European courts. He questioned the impartiality of the European Court of Human Rights, especially the timing of a recent spate of rulings in favor of G/Cs, predicting they would negatively influence Cyprus negotiations. Such G/C litigiousness had put past negotiating efforts "in a dormant state," he alleged, hinting that the Ambassador should intercede with G/Cs to help stop the practice. The Ambassador responded that the USG could

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not involve itself in ongoing legal disputes. That said, both the Embassy and the USG were working within the present framework to support the negotiations and encourage both leaders to take bold action.

¶6. (C) Talat was especially troubled over the Orams case being heard in the European Court of Justice. An ECJ ruling in favor of the Greek Cypriot plaintiff essentially would allow Greek Cypriots to seize the assets of EU citizens who had "illegally" purchased G/C property in the north, thus creating chaos in the T/C economy. Such a decision would make a compromise on property near-impossible, since it would allow the G/Cs to dig in their heels in the belief that they could obtain greater recourse from legal decisions than from a political settlement. "For balance," he hoped the ECHR would judge the G/C Guardianship Law -- which prevents Turkish Cypriots not residing in the south from selling their abandoned properties -- a violation of the European Convention of Human Rights.

EU Role*Technical Only, Please

¶7. (C) Talat queried the Ambassador regarding reports that UNSG Special Adviser Alexander Downer had asked Brussels for high-level EU participation in the ongoing negotiations. Such a move would be completely unacceptable to the Turkish Cypriots, he explained, given the "pro-Greek Cypriot bias" of the EU. Turkish Cypriots welcomed technical assistance on Acquis harmonization but nothing more, Talat added. The Ambassador said that he would seek clarification, but his present understanding was that the EU role would be subordinate and technical, not political. (Note: Per Ref A, the EU purportedly is preparing to second a lawyer below the rank of Ambassador to the UN team. It is unclear, however, whether the role will be strictly technical or include a political dimension. As noted in Ref B, an UNFICYP contact recently told us that the Good Offices Mission had asked for a technical expert, not a political one. Downer and the T/C Chief Negotiator Ozdil Nami have no confirmed separately to Ambassador that the EU will be a technical expert only.)

